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Honorable Andre M. Espinosa, U.S.M.J.
United States District Court
50 Walnut St #4015, Court Room MLK 2D
Newark, NJ 07102

Re: Ferretti v. Planning board of the Borough of Rockleigh et al.
Civil Action 2:22-cv-04781-KSH-AME

Dear Judge Espinosa:

This firm, along with Tara St. Angelo, Esq., of the firm of Gebhardt & Kiefer, represents the Defendants, Borough of Rockleigh and Borough of Rockleigh Planning Board, in the above captioned matter.

A Rule 16 Conference is presently scheduled with Your Honor for this Thursday, March 9, 2023, at 10:00 a.m. A Joint Discovery Plan was initially to be submitted yesterday, March 6, 2023, but, pursuant to information provided by Plaintiff's counsel, the Joint Discovery Plan is now due today.

Defense counsel and Plaintiff's counsel have conferred on three (3) separate and lengthy occasions via telephone and have exchanged numerous drafts of a Joint Discovery Plan. However, as of today, the parties have been unable to agree on item #2 of a Joint Discovery Plan, being a brief description of the case.

It is the Defendant's position that the "brief description of the case" proposed by the Plaintiff, which is literally pages in length, is neither brief nor what is required of the parties.

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Plaintiff effectively proposes to submit a statement of facts akin to a statement of facts for a Brief of Law. Defendants are of the position that Plaintiff's proposal contains numerous irrelevant and disputed statements.

By email received at 4:43 p.m., yesterday afternoon, Plaintiff produced a further iteration of what Plaintiff would like to see in the Joint Discovery Plan. Thereafter, at 6:57 p.m., last evening, Plaintiff produced even a further revised iteration of his proposed Joint Discovery Plan with a presumed expectation that defense counsel would be able to review and consider Plaintiff's proposals in a very brief period of time.

Both Ms. St. Angelo and I will be unable to properly review the same on behalf of our clients in order to have the Joint Discovery Plan submitted to Your Honor also today. Quite frankly, a cursory review of the Plaintiff's description of the case appears to be nothing more than the same proposal to which both defense counsel objected to on several prior occasions.

Plaintiff's proposal also suggests that each party submit its own description of the case. However, and as indicated above, neither Ms. St. Angelo nor I would be able to do so today. Furthermore, and on a personal note, my wife recently fractured her tibia and I have doctor's visits scheduled with her today as she is unable to either drive or go by herself.

On a positive note, the parties have agree on a Disclosure Date and are of the belief that they will also be able to agree on all discovery dates.

Plaintiff has also agreed to shorten his description of the case, but obviously this will take time to do and review with no guarantee that Defendants will be in agreement or will not wish to provide a more detailed Defendants' Statement of the case.

Having said the above, Defendants respectfully request that the Court give consideration to the following alternative proposals, with the understanding that proposal #1 is Defendant's preferred proposal:

1.
 - A. That the Court direct neither party to submit a description of the case.

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- B. That the date for the submission of the remainder of the Joint Discovery Plan be adjourned for one week to March 13, 2023, to allow the Defendants to consider the remainder of Plaintiff's proposal and to confer with Plaintiff regarding the same.
 - C. That the Rule 16 Conference also be adjourned for one week to March 16, 2023.
2. That if the Court determines that each party should submit its own description of the case:
- A. That the due date for submission of a Joint Discovery Plan be adjourned for a two (2) week period of time, or until March 20, 2023.
 - B. That the Rule 16 Conference also be adjourned for a two (2) week period of time, or until March 23, 2023.

It should again be understood that the position preferred by the Defendants is that option #1 above be implemented.

Respectfully submitted,
Kenneth C. Dolecki
KENNETH C. DOLECKI
KCD/dcr

cc: Tara St. Angelo, Esq., [via email](#)
Richard L. Ravin, Esq., [via email](#)
Daniel L. Schmutter, Esq., [via email](#)